

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

AGUSTIN RODRIGUEZ VALENCIA,

Petitioner,

v.

WARDEN TRACY JOHNS,

Respondent.

CIVIL ACTION NO.: 5:16-cv-15

ORDER

Petitioner, an inmate at D. Ray James Correctional Facility (“D. Ray James”) in Folkston, Georgia, filed this action pursuant to 28 U.S.C. § 2241. The record reflects that Petitioner has paid the \$5.00 filing fee.

The only proper respondent in a Section 2241 case such as this is the inmate’s immediate custodian - the warden of the facility where the inmate is confined. See Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004). As Tracy Johns is the Warden at D. Ray James, the Clerk is AUTHORIZED and DIRECTED to terminate all other respondents in this case and change the docket and record of this case to name Warden Tracy Johns as the sole remaining Respondent.

The United States Marshal is hereby directed to serve a copy of the Petition and a copy of this Order upon: (1) the Attorney General of the United States; (2) the named Respondent; and (3) the United States Attorney for the Southern District of Georgia. Pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, personal service shall be perfected upon the United States Attorney. Pursuant to Federal Rule of Civil Procedure 4(i) service may be perfected upon the Attorney General of the United States and upon Respondent by registered or certified mail.

Respondent is hereby ordered to show cause, in writing, why Petitioner's writ should not be granted by filing a return and response **within twenty-one (21) days** of the date of service of the petition.

Petitioner is cautioned that while this action is pending, Petitioner shall immediately inform this Court in writing of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

SO ORDERED, this 13th day of April, 2016.



R. STAN BAKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA